

REMARKS

1. Status of the Claims

Claims 39-64 are pending in this Application. In the Office Action dated March 25, 2004, the Examiner provisionally rejected claims 39-44, 46-54, 56-58, 60-62, and 64 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,450,458. The Examiner also provisionally rejected claims 39-54 and 56-64 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,634,605 in view of U.S. Patent No. 6,450,458. The Examiner further rejected claims 39-48, 51-54, and 57-64 as being anticipated by *Henneberger* (U.S. Patent No. 5,316,243). The Examiner further rejected claim 55 as being unpatentable over *Bernard* (U.S. Patent No. 6,450,458) in view of *Gute* (U.S. Patent No. 5,338,083). The Examiner further rejected claim 55 as being unpatentable over *Bernard* (U.S. Patent No. 6,634,605) in view of *Bernard* (U.S. Patent No. 6,450,458) in further view of *Gute*. The Examiner further rejected claim 55 as being unpatentable over *Henneberger* in further view of *Gute*.

2. Changes to the Specification

Applicants have provided a substitute paragraph 1 to update the issued patent numbers of the related applications, and to clearly set forth the dates on which the related applications were filed.

3. The Henneberger Reference

The Examiner rejected claims 39-48, 51-54, and 57-64 under 35 U.S.C. § 102 as being anticipated by *Henneberger* (U.S. Patent No. 5,316,243), and the Examiner further rejected claim 55 as being unpatentable over *Henneberger* in further view of *Gute* (U.S. Patent No. 5,338,083). The Applicants traverse these rejections for the following reasons.

The Examiner characterizes *Henneberger* as disclosing, *inter alia*, a "releasable automatic locking mechanism (61)." Applicants respectfully submit, however, that *Henneberger* does not, in fact, disclose a releasable locking mechanism and for at least this reason *Henneberger* fails to disclose, teach, or suggest the claimed invention.

Nothing in the *Henneberger* reference teaches or suggests that its mechanism 61 is releasable. Instead, *Henneberger* discloses that:

The springs 61 are metallic and include cutout tabs 66, which project toward walls 57 and are angled into the direction of spacing wall 56. The tabs 66 act as knife edges, which cut into the plastic of a trough or a fitting wall (such as walls 26 in FIGS. 5 and 5A) to bite into the walls 26 and prevent the walls 26 from being drawn out of the coupling 14. As a result, the clamping means not only includes the spring bias to hold fittings or troughs within the coupling 14. Instead, the clamping also includes the knife action of tabs 66 to bite into the material of the fittings or troughs to retain the fittings or troughs securely within the coupling 14.

Henneberger, col. 4, lines 4-15. *Henneberger* does not disclose, teach, or suggest any structure or any method that allows the spring bias, or the tabs 66 of the springs 61, to be released from the trough or fitting wall, once the tabs bite into the wall. Indeed, under *Henneberger*, it would appear that the only way to release the spring bias or the tabs 66 from a wall is by forcibly withdrawing the trough or fitting in opposition to the spring bias and the tabs, potentially damaging the spring. In contrast, Applicants claim a releasable assembly that allows a duct section to be withdrawn.

Consequently, *Henneberger* does not anticipate or obviate, either alone or in combination with another reference, the present claims 39-48, 51-55, and 57-64, or their dependent claims. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejections of these claims.

4. The Bernard Reference

The Examiner rejected claim 55 under 35 U.S.C. § 103 as being unpatentable over *Bernard* (U.S. Patent No. 6,450,458) in view of *Gute* (U.S. Patent No. 5,338,083); and the Examiner also rejected claim 55 under 35 U.S.C. § 103 as being unpatentable over *Bernard et al.* (U.S. Patent No. 6,634,605) in view of *Bernard* (U.S. Patent No. 6,450,458) in further view of *Gute*. Applicants traverse these rejections for the following reasons.

The present application and the '458 patent to Bernard were, at the time the present invention was made, owned by and/or subject to an obligation of assignment to Panduit Corp. Moreover, as the priority information in substitute paragraph 1 of the Specification (above) makes clear, the '458 patent to Bernard does not qualify as 35 U.S.C. § 102(a) or § 102(b) prior art. Therefore, 35 U.S.C. § 103(c) disqualifies the '458 patent to Bernard from being used as the basis for any proper section 103(a) rejection. Because the '458 patent to Bernard cannot form the basis of a section 103(a) rejection, claim 55 is allowable, and the Applicants respectfully request that the Examiner withdraw the rejections of this claim.

5. Claim Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

The Examiner provisionally rejected claims 39-44, 46-54, 56-58, 60-62, and 64 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over

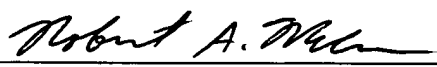
claims 1-20 of U.S. Patent No. 6,450,458. The Examiner also provisionally rejected claims 39-54 and 56-64 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,634,605 in view of U.S. Patent No. 6,450,458. Without addressing the merits of the Examiner's statements regarding claims 39-54 and 56-64, which are not conceded, but solely in an effort to expedite prosecution, Applicants have submitted with the present Response a terminal disclaimer for this Application. Accordingly, Applicants respectfully request withdrawal of the double-patenting rejection.

CONCLUSION

The Applicants believe the present claims to be in condition for allowance, and earnestly request early notification of the same. If, for any reason, the Examiner is unable to allow the Application on the basis of these amendments and feels that a telephone conference would help clear up any unresolved matters, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,
PANDUIT CORP.

Date: June 17, 2004


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